REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested. After entry of this amendment, claims 1-13 will be pending in the case.

Claims 1 and 2 stand rejected over U.S. patent No. 5,870,685 ('685) in view of U.S. patent No. 6,026,303 ('303). The claims are amended herewith to emphasize their patentable distinctions, and as amended, it is respectfully suggested that all of the claims should be in condition for allowance.

Claim 1 as amended recites a radio communication terminal, which defines different data communications speeds at which the terminal is capable of communication. The speeds which are selected are based on the detected remaining power.

The rejection notes that '685 teaches a system which operates at different data capacities corresponding to different battery level threshold settings. The rejection admits, however, that '685 does not teach the speed setting being operated for different communication speeds, based on the detected remaining power. '603 teaches that a parent wireless terminal is selected based on transmission rate and based on remaining battery power in each of a plurality of wireless terminals in an ad hoc network system. In the '603 system, the

transmission rate data and the remaining battery power data are each respectively collected from each of the wireless terminals. The wireless terminals which has the highest transmission rate and the highest remaining battery power is selected as the parent wireless terminal (so long as that is more than a predetermined value.) The two items of data -that is transmission rate and remaining power- are used as separate independent data. Therefore, it is respectfully suggested that '303 does not teach or suggest that the data communications speeds of the terminal is set based on the remaining power.

Therefore, it is respectfully suggested that a hypothetical combination of '685 in view of '303 would teach a '685 type system which, by the office action's own admission, does not teach setting data communication speeds based on the detected remaining power.

It would also be modified with the system of 303, which also does not teach setting the data communication speeds based on the remaining power. Therefore, a hypothetical combination would not teach or suggest the features defined by claim 1. As such, it is respectfully suggested that the rejection does not meet the patent office's burden of providing a prima facie showing of unpatentability, and therefore that claim 1 should be allowable for these reasons.

Claim 2 should be allowable for similar reasons, as it recites a radiocommunication terminal which sets communication speeds based on the availability of an external power source. It is respectfully suggested that the hypothetical combination of '685 in view of '303 does not teach or suggest this feature, and therefore that these claims should be additionally allowable for these reasons.

Claims 3-5 stand rejected based on the above cited combination, further in view of U.S. patent 5,896,202 ('202). This contention is similarly respectfully traversed. Claim 5 similarly defines a radiocommunication terminal which sets different resolutions of images based on the detected remaining power. As described above, it is respectfully suggested that '685 in view of '303 does not teach or suggest this feature. It is also suggested that '202 does not teach this feature, either.

'202 teaches an image processing apparatus which allows setting resolution of different images. However, this system does not include a built-in battery. Therefore, it is completely unsuggested by '202 to combine its system with anything that sets resolution of images based on remaining battery power. Such operation is simply unsuggested by '202. Therefore, it is respectfully suggested that claim 5 should be allowable for these reasons as well as for the above.

New claims 6 and 7 are also added herein, and include additional limitations to those discussed above. These claims should be additionally allowable.

New claims 8-15 are also submitted herein, and correspond substantially to the current claims, but without means plus function language.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

Enclosed is a $110.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Attached is a marked-up version of the changes being made by the current amendment.

Version with markings to show changes made

In the claims:

1. (Amended) A radio communication terminal having a built-in battery comprising:

power detecting means for detecting a remaining power of a built-in battery;

speed setting means for setting different data communication speeds at which the radio communication terminal is capable of communication based on the detected remaining power, the speeds being decreased as the detected remaining power decreases; and

data transmission control means for controlling data communication at the set data communication speeds.

2. (Amended) A radio communication terminal having a built-in battery comprising:

power supply detecting means for detecting availability and unavailability of a power supply from an external power source to a built-in battery;

speed setting means for setting different data communication speeds based on the detected availability and unavailability of the [detected] power supply; and

data transmission control means for controlling data communication at the set data communication speeds, which increase as the power supply from the external power source is detected.

3. A radio communication terminal of claim 2, further comprising:

image transmitting means for transmitting images; and

resolution setting means for setting different resolutions of the images, the resolutions being increased as the power supply from the external power source is detected.

4. A radio communication terminal of claim 2, further comprising:

display means for displaying received images;

brightness setting means for setting different brightness of the images, the brightness being increased as the power supply from the external power source is detected.

5. A radio communication terminal having a built-in battery comprising:

image communication means for communicating images;

power detecting means for detecting a remaining power of a built-in battery;

resolution setting means for setting different resolutions of the images, the resolutions being increased as the detected remaining power increases;

speed setting means for setting different data communication speeds based on the detected remaining power, the speeds being decreased as the detected remaining power decreases; and

control means for controlling data communication and image display at the set resolutions and set speeds.